

1. The Amendments

The specification has been amended at page 23 by the addition of language from claim 14 with appropriate alterations for syntax.

Claims 3 and 12 have been amended to clarify the invention by recitation of the hepatitis B core protein as the carrier as originally recited in cancelled claim 8. Specific support for the length of an encoded polypeptide of an immunogen can be found at least at page 21, in the paragraph between lines 6 and 18. The remaining added language of subparagraph (a)(ii) of each of claim 3 is at least similarly supported.

The word "having" has been changed to "comprising", a word that is clearly "open". *Ex parte Davis and Tuukkanen*, 80 USPQ 448, 450 (Pat. Bd. App. 1948). It is also believed that "having" is recognized by the courts as being "open" as well. See, *In re Certain Slide Fasteners*, 216 USPQ 907, 915 (U.S. Int'l. Trade Comm'n. 1981). Use of the word "comprising" in this context is also supported at least by the text at lines 6-18 of page 32.

The phrases added to the last lines of each of claims 1 and 3 are generally supported by the claims themselves and complete the concept disclosed in each. Further specific

support for the added language can be found at least at page 16, lines 5-20 and page 17, line 13, through page 18, line 13.

New claims 22-31 have been added to further define the invention. Specific support for the encoded sequences of claims 22-28 and 31 can at least be found at page 21, lines 6-18. Specific support for claim 29 can be found in the original claims as well as the above disclosure at page 21, lines 6-18. Specific support for use of a cytomegalovirus immediate-early promoter sequence can at least be found in the paragraph bridging pages 32 and 33.

Claims 32-39 are rewritten versions of original claims 14-21.

It is thus seen that no new matter has been added.

## 2. Summary

Claim 8 has been cancelled. Claims 3 and 12 have been amended, and claims 22 through 39 have been added. The specification has also been amended. Art that has come to the inventors' attention and thought to be possibly material to the Examiner's examination of this application is noted on Form PTO-1449. This art is already of record in the parental application and copies are therefore not enclosed herewith.

It is believed that this application is in condition for allowance of all of the claims. An early notice to that effect is earnestly solicited.

Our Check No. 059701 in the amount of \$90.00 is enclosed to cover the cost of the added claims over those previously paid for.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

The Examiner is requested to phone the undersigned should any questions arise that can be dealt with over the phone to expedite this prosecution.

Respectfully submitted,

By   
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Enclosures

Form 1449  
Additional claims fee  
Information Disclosure Statement

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